REMARKS

Claims 12 – 20 are pending in this Application. Upon entry of this Amendment, claims 12 – 16 will be amended.

The Applicant gratefully acknowledges that the Examiner has allowed claims 19 and 20.

In the current Office Action mailed on August 6, 2004, claims 12 – 18 stand rejected under 35 U.S.C 112, second paragraph for indefiniteness. The Applicant respectfully submits that, in light of the foregoing amendments to the claims, the §112, second paragraph, rejection of claims 12 – 18 should be reconsidered and withdrawn.

Independent claim 12 recites that "R_1 denotes a hydrogen atom, C_{1-3}-alkyl, hydroxy, C_{1-4}-alkoxycarbonyl, or C_{2-4}-alkanoyl group."

Regarding the §112, second paragraph rejection of claim 12 based on the term "isomers," the Applicant respectfully disagrees with the Examiner and submits that the present claims particularly point out and distinctly define the metes and bounds of the subject matter of the present invention.

Isomers are divided into two categories: positional isomers and stereoisomers. Positional isomers (also known as structural or constitutional

isomers) are compounds that have the same molecular formula (i.e., the same number of atoms of each element represented in the molecule), but differ in the positioning of the functional groups in the molecule. On the other hand, stereoisomers differ in the arrangement or orientation of the functional groups in space. The Applicant refers to *A Dictionary of Chemistry*, 3rd ed., John Daintith *ed.*, Oxford University Press, 1996, pg. 270 (defining "isomerism"), attached hereto.

In the present claims, the term "isomer" cannot refer to positional isomers because the present claims recite a structure (Formula I) and the possible substituents for each locant ($R_1 - R_5$). For example, R_2 by definition cannot be substituted on the N of indolinone instead of R_1.

The term "isomer" in the present claims refers to stereoisomers. Stereoisomers include enantiomers (also known as optical isomers or R/S isomers), as well as diastereoisomers, which may be cis/trans, E/Z, *et cetera*. *See ibid.* One of ordinary skill in the pertinent art would clearly appreciate the scope of the present claims because a given molecular structure can have only a finite number of stereoisomers.

Claims 12 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Aurich *et al.* In particular, the Examiner asserts that compound 3a of Aurich is the same as applicants when, *inter alia*, R_5 is a phenyl group. The Applicant respectfully disagrees with the Examiner and submits that Aurich *et al.* does not anticipate the present invention as claimed.

In claims 12 – 14, R_5 denotes a substituted phenyl or naphthyl group, which is optionally, additionally substituted by a C_{1-3}-alkyl group. In claims 15 and 16, R_5 denotes a substituted phenyl group. Unlike the compounds provided by the present invention as claimed, Aurich *et al.* describes non-substituted phenyl groups. Thus, Aurich *et al.* does not provide each and every element of the present invention as claimed. Therefore, claims 12 – 14 are not anticipated by Aurich *et al.*

In light of the foregoing, the Applicant respectfully requests that the §102(a) rejection of claim 12 – 14 be reconsidered and withdrawn.

The Applicant respectfully requests favorable consideration and that the claims of this Application be passed to allowance. The Examiner is invited to directly contact the undersigned via telephone to resolve any issues that may arise concerning this Application.

Respectfully submitted,

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therefore coagulates best at this point. In the case of hydrophilic substances, in which the surrounding water prevents coagulation, the isoelectric point is at the minimum of stability. The isoelectric point is characterized by the value of the pH at that point. Above the isoelectric pH level the substance acts as a base and below this level it acts as an acid. For example, at the isoelectric point the pH of gelatin is 4.7. Proteins precipitate most readily at their isoelectric points; this property can be utilized to separate mixtures of proteins or amino acids.

isoelectronic Denoting different molecules that have the same number of electrons. For example N_2 and CO are isoelectronic. The energy level diagrams of isoelectronic molecules are therefore similar.

isoenzyme *See* **isozyme.**

isoleucine *See* **amino acid.**

isomerism The existence of chemical compounds (*isomers*) that have the same molecular formulae but different molecular structures or different arrangements of atoms in space. In *structural isomerism* the molecules have different molecular structures: i.e. they may be different types of compound or they may simply differ in the position of the functional group in the molecule. Structural isomers generally have different physical and chemical properties. In *stereoisomerism*, the isomers have the same formula and functional groups, but differ in the arrangement of groups in space. Optical isomerism is one form of this (*see* **optical activity**). Another type is *cis–trans isomerism* (formerly *geometrical isomerism*), in which the isomers have different positions of groups with respect to a double bond or central atom (see illustration).

isomers *See* **isomerism.**

isometric **1.** ***(in crystallography)*** Denoting a system in which the axes are perpendicular to each other, as in cubic crystals. **2.** Denoting a line on a graph illustrating the way in which temperature and pressure are interrelated at constant volume.

isomorphism The existence of two or more substances (*isomorphs*) that have the same crystal structure, so that they are able to form *solid solutions.

isonitrile **(isocyanide; carbylamine)** An organic compound containing the group –NC, in which the bonding is to the nitrogen atom.

iso-octane *See* **octane; octane number.**

isopleth A vertical line in a liquid–vapour phase diagram consisting of a line of constant composition of the whole system as the pressure is changed. The word isopleth comes from the Greek for 'equal abundance'. *See also* **tie line.**

isopoly compound *See* **cluster compound.**

1-chloropropane 2-chloropropane

structural isomers in which the functional group has different positions

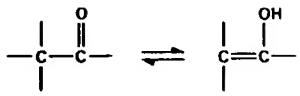
methoxymethane ethanol

structural isomers in which the functional groups are different

trans-but-2-ene *cis*-but-2-ene

cis–trans isomers in which the groups are distributed on a double bond

cis–trans isomers in a square-planar complex



keto form enol form

keto–enol tautomerism

Isomerism

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